

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

ATTORNEYS:

Gretchen C.F. Shappert, United States Attorney
George A. Massucco-LaTaif, AUSA
Juan Albino, AUSA
United States Attorney's Office
St. Thomas, U.S.V.I.
For the United States of America,

Michael L. Sheesley
MLSPC
St. Thomas, U.S.V.I.
For Samuel Elias Pena Columna,

Yohana M Manning
Christiansted, U.S.V.I.
For Rammer Andres Guerrero-Morales.

ORDER

GÓMEZ, J.

Before the Court is the application of Rammer Andres Guerrero-Morales ("Guerrero-Morales") to waive his speedy trial. Guerrero-Morales also moves to continue the trial in this matter. For the reasons stated herein, the time to try this case is extended up to and including March 9, 2020.

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest of justice. First, an extension of time is necessary to allow Guerrero-Morales time to review the discovery in this matter. Second, without an extension, Guerrero-Morales would be denied reasonable time necessary to explore plea options and prepare for trial. Third, Guerrero-Morales made his request with the advice and consent of counsel.

Consistent with these concerns, the United States Court of Appeals for the Third Circuit has recognized that "whether or not a case is 'unusual' or 'complex,' an 'ends of justice' continuance may in appropriate circumstances be granted."

United States v. Fields, 39 F.3d 439, 444 (3d Cir. 1994); *United States v. Dota*, 33 F.3d 1179 (9th Cir. 1994) ("An ends of justice continuance may be justified on grounds that one side needs more time to prepare for trial [even if the] case [i]s not 'complex.'"); see also *United States v. Lattany*, 982 F.2d 866, 883 (3d Cir. 1992) ("[T]he district court did not abuse its discretion when it delayed the trial to give counsel . . . opportunity to . . . decid[e] upon and prepar[e] an appropriate defense."); *United States v. Brooks*, 697 F.2d 517, 522 (3d Cir. 1982) (holding there was no abuse of discretion where district

court found that multiple count, multiple defendant "case was complex and required additional time for adequate preparation."); *cf. United States v. Santiago-Becerril*, 130 F.3d 11, 17 (1st Cir. 1997) (explaining that, where a defendant had moved to continue his trial due to his counsel's unavailability, the "period of delay" caused by an ends of justice continuance includes the time "reasonably required to schedule a new trial date" in "consideration of the court's calendar").

The premises considered, it is hereby

ORDERED that the time beginning from the date of this order granting an extension through March 9, 2020, shall be excluded in computing the time within which the trial for Samuel Elias Pena Columna and Rammer Andres Guerrero-Morales must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that Guerrero-Morales's motion to continue, ECF No. 68, is **GRANTED**; and it is further

ORDERED that the jury trial in this matter previously scheduled for December 23, 2019, is hereby **RESCHEDULED** to commence promptly at 9:00 A.M. on March 9, 2020, in Saint Thomas Courtroom 1 before District Judge Curtis V. Gomez.

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Curtis V. Gómez
District Judge